

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

MONDAY, THE 26TH NOVEMBER 2007 / 5TH AGRAHAYANA 1929

WP(C).No. 34840 of 2007(V)  
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PETITIONER:  
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A.SIVARAMA KAIMAL, AGED 67 ,  
AALLATH HOUSE, KUTTUMUKU DESOM,  
RAMAVARMAPURAM P.O., THRISSUR.

BY ADV. SRI.G.SREEKUMAR (CHELUR)

RESPONDENTS:  
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1. THE THRISSUR MUNICIPAL CORPORATION,  
REP. BY ITS SECRETARY, M.O.ROAD, THRISSUR.
2. THE ASSISTANT EXECUTIVE ENGINEER,  
IRRIGATION SUB DIVISION, THRISSUR.
3. THE SUPERINTENDING ENGINEER,  
OFFICE OF THE SUPERINTENDING ENGINEER,  
WATER WORKS, CENTRAL ZONE,  
THRISSUR.
4. THE TAHSILDAR,  
THRISSUR TALUK OFFICE,  
THRISSUR.
5. VRINDAVAN ALATH RESIDENCY,  
A PARTNERSHIP FIRM, REP. BY ITS MANAGING PARTNER,  
RAJAN, AALATH HOUSE, RAMAVARMAPURAM P.O.,  
THRISSUR.

BY GOVERNMENT PLEADER SRI. BENJAMIN PAUL

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION  
ON 26/11/2007, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:

**ANTONY DOMINIC, J**

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W.P.(C).34840/2007  
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Dated this the 26<sup>th</sup> day of November, 2007

**JUDGMENT**

It is stated that the fifth respondent and others have encroached into the puramboke and made construction over a public canal. Petitioner submits that although representations have been made to the authorities, there is inaction on the complaint so made. In my view, this writ petition cannot be entertained.

2. Firstly, even according to the petitioner, apart from fifth respondent there are others also, who had encroached into public property. Those others against whom allegations have been made, have not been impleaded in this writ petition. Even according to the petitioner, those who trespassed into the puramboke have already completed the construction work also. If that be so, there is delay in approaching this Court.

3. For these reasons, I am not inclined to exercise the discretionary power under Article 226 of the Constitution

of India. It is open to the petitioner to approach the Civil Court for appropriate relief sought for.

4. Therefore without prejudice to the contentions and with liberty to approach the Civil Court, this writ petition is closed.

**ANTONY DOMINIC**  
**Judge**

mrCS